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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91212024
Party	Defendant Brooks Entertainment Inc.
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Date	10/29/2014
Attachments	TTAB_REPLY IN SUPPORT OF APPLICANT'S MotionToAmendApplication (91212024).pdf(74242 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Opposition No.: 91212024

In the Matter of Application
Serial No. 85/551,808

For the mark: “S.O.B.”

Filed on: February 24, 2012

Published in the Official Gazette on:
July 23, 2013

Opposition No. 91212024

REPUBLIC TECHNOLOGIES (NA), LLC

Opposer,

v.

BROOKS ENTERTAINMENT, INC.

Applicant.

REPLY IN SUPPORT OF APPLICANT’S MOTION TO AMEND APPLICATION

Opposer’s Response To Motion For Leave To Amend Application (“Opposer’s Response”) is confusing.

Opposer begins by recognizing Applicant’s decision to choose the option set forth in the Board’s ruling; however, the Opposer spends the remainder of its response arguing a position that contradicts what the motion is intended to do, which is narrow the proceeding to the relevant issues.¹ In Opposer’s Response, Opposer focuses on adding an

¹ Opposer begins its Response with the initial phrase, “At the invitation of the Board” and then subsequently states that it “does not contest Applicant’s motion”. See ¶ 1, lines 1-3 of Opposer’s Response.

additional claim for fraud, which would, again, divert the focus of the proceeding away from Opposer's initial claim, likelihood of confusion.

Applicant reiterates that it was selling its cigars in the United States prior to its application with the United States Patent and Trademark Office, and has continued to sell its cigars to date, so a fraud claim is frivolous. Applicant's Motion For Leave To Amend was a strategic decision to help move this proceeding in the direction that Applicant believed the Board intended with its ruling, to focus on the likelihood of confusion claim.

Applicant respectfully requests that the Board grant its Motion to Amend Application.

Dated: October 29, 2014

Respectfully submitted,

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"Applicant"

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CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing REPLY IN SUPPORT OF APPLICANT'S MOTION TO AMEND APPLICATION was served via U.S. Mail, postage prepaid, on this 29th day of October 2014, upon the attorney of record for Opposer:

Antony J. McShane
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By: /Richard B. Jefferson/
 Richard B. Jefferson

Date: October 29, 2014

CERTIFICATE OF TRANSMISSION

I hereby certify that the foregoing REPLY IN SUPPORT OF APPLICANT'S MOTION TO AMEND APPLICATION has been filed electronically with the Trademark Trial and Appeal Board using the Electronic System for Trademark Trials and Appeals (ESTTA) on October 29th, 2014.

By: /Richard B. Jefferson/
Richard B. Jefferson

Date: October 29, 2014